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APPLICATION NO. 022850	FILING DATE 06/12/97	FIRST NAMED INVENTOR SCHUBERT	ATTORNEY DOCKET NO. M CATALINA
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EXAMINER CAUDLE, F

ART UNIT 2785	PAPER NUMBER
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DATE MAILED:

11/16/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/873,974

Applicant(s)

Scroggie et al

Examiner

Penny Caudle

Group Art Unit

2765

☒ Responsive to communication(s) filed on Sep 28, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-59 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-59 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. In response to the Amendment filed on September 28, 1999, new claims 24-59 have been added. Claims 1-59 are pending.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 32-34 and 44--46 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. As discussed in paragraph 4 of paper number 13 and in view of the Declaration of Michael C. Scroggie dated August 17, 1999, it has been established that the initial release of "Supermarkets Online" comprised all the limitations of the present invention with the exclusion of the ability to the consumer to access or "log in" to the SMO web site via manufacturer sites, retailer sites, or other third party administered sites and receive data as if logged in directly to the SMO site. As per claims 32-34 and 44-46, the limitation of accessing the SMO site via a third party site is not recited in the claims. Therefore the initial release of "Supermarkets Online" comprises all the limitations as set forth in this claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the initial release of the Supermarkets Online web site.

As discussed in the interview summary (paper no. 14 and in the Declaration by Michael C. Scroggie dated August 17, 1999 the limitation of the ability of the consumer to access or "log in" to the SMO web site via manufacturer sites, retailer sites, or other third party administered sites via ad banners and receive data as if logged in directly to the SMO site, as cited in independent claims 1, 4, 14, 20 and 22, was not included in the initial release of "Supermarkets Online". Official Notice is given that the use of embedded links or URLs for example those used in Ad banners for directing consumer from independent web sites to remote sites for promotional information is old and well known in the art. For example the method disclosed by Allsop et al which allows for a consumer to visit a manufacturer's Web site and receive a hypertext link to an authorized dealer of the manufacturer (col. 3 lines 55-65) without the consumer being exposed to competing product information (col. 6 lines 35-45). Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant invention to enhance the system initially released as Supermarkets Online with the addition of allowing the consumer to access the product information database through manufacturer or retailer web sites in order to provide a greater exposure to the consumer and thereby increasing the use to the central site.

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As to new claims 24-31, 35-43 and 46-59, the limitations of these claims may be found in claims 1-23 above with the further limitation of the communications networks comprising the Internet. In view of the fact that the initial release of supermarkets online was a web based system, these claims are rejected for the same rationale as set forth in claims 1-23 above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Wilbert "Now Shoppers Can Clip Coupons Off the Internet" discusses the release of America's Coupon Explorer web site.

-Robinson (U.S. 5,918,014) discloses the use of automated collaborative filtering in world wide web advertising.

-Scroggie et al (U. S. 5,970,469) discloses a central site for accessing regional retailers or manufacturer offers or specials.

-Brown et al (U.S. 5,923,552) discloses a system and method for facilitating the exchange of information between separate business entities.

-Fajkowski (U.S. 5,905,246) discloses a method and apparatus for coupon management and redemption.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Penny Caudle whose telephone number is (703) 305-0756. The examiner can normally be reached Monday-Thursday from 6:30 AM to 5:00 PM.

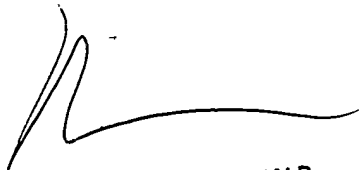
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, can be reached at (703) 305-9708.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-1396.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

plc

November 9, 1999



ALLEN R. MACDONALD
SUPERVISORY PATENT EXAMINER